

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEAH MITCHELL, an individual,
JENNICA TREZONA, an individual, and
ELIZABETH CASTILLO, an individual

No. 2:23-cv-02467-TLN-DB

Plaintiffs,

AMENDED ORDER

v.

SAN ANTONIO CREEK LLC, a
corporation, DANIEL TULIPANI, an
individual,

Defendants.

This matter is before the Court on Motions to Withdraw filed by Law Offices of Thomas F. Nowland, counsel for Defendants San Antonio Creek LLC and Daniel Tulipani (“Defendants”). (ECF Nos. 15, 16.) Plaintiffs did not file an opposition. For the reasons set forth below, the Court GRANTS the motions.

The Local Rules of this district require an attorney who would withdraw and leave his or her client without representation to obtain leave of court upon a noticed motion. E.D. Cal. L.R. 182(d). Local Rule 182(d) also requires an attorney to provide notice to the client and all other parties who have appeared, and an affidavit stating the current or last known address of the client. *Id.* Finally, to comply with Local Rule 182(d), the attorney must conform to the requirements of

1 the California Rules of Professional Conduct. *Id.*

2 The decision to grant or deny a motion to withdraw is within a court's discretion.

3 *McNally v. Eye Dog Found. for the Blind, Inc.*, No. 09-cv-AWI-SKO-01174, 2011 WL 1087117,
4 at *1 (E.D. Cal. Mar. 24, 2011). District courts within this circuit have considered several factors
5 when evaluating a motion to withdraw, including the reason for withdrawal, prejudice to the
6 client, prejudice to the other litigants, harm to the administration of justice, and possible delay.
7 *See, e.g., Deal v. Countrywide Home Loans*, No. 09-cv-01643-SBA, 2010 WL 3702459, at *2
8 (N.D. Cal. Sept. 15, 2010); *CE Res., Inc. v. Magellan Group, LLC*, No. 08-cv-02999-MCE-KJM,
9 2009 WL 3367489, at *2 (E.D. Cal. Oct. 14, 2009); *Beard v. Shuttermart of Cal., Inc.*, No. 07-cv-
10 00594-WQH-NLS, 2008 WL 410694, at *2 (S.D. Cal. Feb. 13, 2008).

11 In the instant case, Defendants' counsel satisfied Local Rule 182(d) by filing declarations
12 that it informed Defendants of its intent to withdraw and by providing the Court with Defendants'
13 last known address. (ECF Nos. 15-2, 16-2.) Defendants' counsel also established withdrawal is
14 proper under the California Rules of Professional Conduct. More specifically, California Rule of
15 Professional Conduct 1.16(b)(4) states an attorney may withdraw from representing a client if the
16 client "renders it unreasonably difficult for the lawyer to carry out the representation effectively."
17 Defendants' counsel represents there has been a breakdown of the attorney-client relationship to
18 the point where it is frustrating the ability of counsel to continue representation. (*Id.* at 2.)
19 Accordingly, there is good cause to allow Defendants' counsel to withdraw.

20 The Court finds there is a low risk of prejudice to Defendants and the other litigants if the
21 motions are granted as there are no pending hearings scheduled and this case is in the early stages
22 of litigation. Lastly, the Court cannot identify any harm to the administration of justice or
23 possible delay that would result from granting the motions to withdraw.

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1 For the foregoing reasons, the Court hereby GRANTS the Motions to Withdraw (ECF No.
2 15, 16), leaving Defendant Daniel Tulipani in Pro Per. Additionally, Local Rule 183(a) states
3 “[a] corporation or other entity may appear only by an attorney.” As such, Defendant San
4 Antonio Creek LLC is barred from appearing in propria persona. Accordingly, San Antonio
5 Creek LLC has forty-five (45) days from the entry of this Order to acquire new representation and
6 file a notice of appearance of new counsel. The Clerk of Court is directed to serve this Order on
7 Defendants at 4036 Old Highway 4, Camp Connell, CA 95223.

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9 IT IS SO ORDERED.

10 Date: March 28, 2025

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13 TROY L. NUNLEY
14 CHIEF UNITED STATES DISTRICT JUDGE

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